

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	03 C 6770	DATE	10/1/2003
CASE TITLE	LISA CALIMESE vs. AMERICAN PSYCHIATRIC ASSOCIATION		

MOTION: [In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

DOCKET ENTRY:

- (1) Filed motion of [use listing in "Motion" box above.]

(2) Brief in support of motion due _____.

(3) Answer brief to motion due _____. Reply to answer brief due _____.

(4) Ruling/Hearing on _____ set for _____ at _____.

(5) Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.

(6) Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.

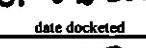
(7) Trial[set for/re-set for] on _____ at _____.

(8) [Bench/Jury trial] [Hearing] held/continued to _____ at _____.

(9) This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
 FRCP4(m) Local Rule 41.1 FRCP41(a)(1) FRCP41(a)(2).

(10) [Other docket entry] Enter Memorandum Opinion And Order. Plaintiff's petition to proceed in forma pauperis is denied.

(11) [For further detail see order (on reverse side of/attached to) the original minute order.]

		Document Number
No notices required, advised in open court.		
No notices required.		
Notices mailed by judge's staff.		
Notified counsel by telephone.		
<input checked="" type="checkbox"/> Docketing to mail notices.		
Mail AO 450 form.		
Copy to judge/magistrate judge.		
LG	courtroom deputy's initials	
		U.S. DISTRICT COURT CLERK
		63 03 OCT - 1 PM 6:59 RECEIVED U.S. DISTRICT COURT CLERK'S OFFICE DATE/TIME RECEIVED IN CENTRAL CLERK'S OFFICE ED-7
		number of notices OCT 02 2003 date docketed  docketing deputy initials date mailed notice mailing deputy initials
		5

DOCKETED
OCT 02 2003

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LISA CALIMESE,)
)
Plaintiff,)
)
vs.) No. 03 C 6770
)
AMERICAN PSYCHIATRIC ASSOCIATION,)
)
Defendant.)

MEMORANDUM OPINION AND ORDER

Plaintiff Lisa Calimese brought this action against the American Psychiatric Association (APA) for violating her right to the pursuit of happiness. Along with her complaint, plaintiff filed a petition to proceed *in forma pauperis*. For the following reasons, plaintiff's petition is denied.

Pursuant to 28 U.S.C. § 1915(a) we may authorize plaintiff to proceed *in forma pauperis* if she demonstrates an inability to pay the required costs and fees. In her affidavit, plaintiff states that she is unemployed, has no savings, and her only source of income is social security. She has shown her inability to pay court costs.

Our inquiry does not end there, however. As part of the initial review of a petition to proceed *in forma pauperis*, we analyze the claims and dismiss the complaint if we determine that the action is frivolous or malicious, it fails to state a claim upon which relief may be granted, or seeks damages from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B)(i)-(iii); Alston v Debruyn, 13 F.3d 1036, 1039 (7th Cir. 1994). We review the claim using the same standard as a motion to dismiss pursuant to Federal Rule of Civil Procedure

12(b)(6). Zimmerman v. Tribble, 226 F.3d 568, 571 (7th Cir. 2000). Pursuant to Rule 12(b)(6), we dismiss a claim only if it appears beyond a doubt that there exist no facts to support the allegations. Conley v. Gibson, 355 U.S. 41, 45-46 (1957). Complaints by *pro se* parties should “be liberally construed and not held to the stringent standards expected of pleadings drafted by lawyers.” McCormick v. City of Chicago, 230 F.3d 319, 325 (7th Cir. 2000).

In her civil cover sheet, plaintiff identifies the nature of her suit as personal injury and her cause of action as the violation of her right to the pursuit of happiness. Her one-page complaint is unclear and provides no factual context for her allegations; it appears to state that the APA infringed on her pursuit of happiness by not informing her of her rights and improperly questioning and advising her on certain issues. These allegations fail to state a claim. Neither the Constitution nor its amendments provide a guarantee for the pursuit of happiness. *See U.S. Const.*; Coffey v. U.S., 939 F. Supp. 185, 191 (E.D.N.Y. 1996). Nor do plaintiff’s vague allegations regarding APA’s failure to properly question and advise her give rise to any other causes of action.

Conclusion

For the foregoing reasons, plaintiff’s petition to proceed *in forma pauperis* is denied.

Oct. 1, 2003.



JAMES B. MORAN
Senior Judge, U. S. District Court